

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 28, 2010

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Fulcher and Stegner, absent and excused; and Senator Malepeai, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Hannah Schwarz, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 27, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Fulcher and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 28, 2010

The JUDICIARY AND RULES Committee reports that [S 1292](#), [S 1293](#), [S 1294](#), [S 1295](#), [S 1296](#), [S 1297](#), [S 1298](#), and [S 1299](#) have been correctly printed.

DARRINGTON, Chairman

[S 1292](#), [S 1293](#), and [S 1294](#) were referred to the Finance Committee.

[S 1295](#) was referred to the Local Government and Taxation Committee.

[S 1296](#), [S 1297](#), and [S 1298](#) were referred to the Transportation Committee.

[S 1299](#) was referred to the State Affairs Committee.

January 27, 2010

The JUDICIARY AND RULES Committee reports out [S 1271](#) without recommendation.

DARRINGTON, Chairman

On request by Senator McKenzie, granted by unanimous consent, [S 1271](#) was referred to the State Affairs Committee.

January 27, 2010

The JUDICIARY AND RULES Committee reports out [S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) were filed for second reading.

January 27, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

David Langhorst to the State Tax Commission, term to expire March 8, 2015.

HILL, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 27, 2010

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

J. Philip Reberger to the Idaho Judicial Council, term to expire July 1, 2015.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

January 27, 2010

Dear Mr. President:

I transmit herewith [H 406](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 406](#) was filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Sharon Harrigfeld was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, the Gubernatorial appointment of Sharon Harrigfeld as Director of the Department of Juvenile Corrections was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1300

#### BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO PARKS AND RECREATION; AMENDING CHAPTER 42, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4218A, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION, TO PROVIDE FOR STAFF AND COMPENSATION AND TO PROVIDE FOR THE TRANSFER OF POWERS AND DUTIES FROM THE PARK AND RECREATION BOARD TO THE DEPARTMENT OF PARKS AND RECREATION; AMENDING SECTION 67-4221, IDAHO CODE, TO PROVIDE FOR THE PARK AND RECREATION ADVISORY BOARD; REPEALING SECTION 67-4222, IDAHO CODE, RELATING TO SPECIFIED POWERS AND DUTIES OF THE PARK AND RECREATION BOARD; AND AMENDING SECTION 67-4223, IDAHO CODE, TO PROVIDE THAT RECOMMENDATIONS OF THE PARK AND RECREATION ADVISORY BOARD SHALL NOT BE BINDING ON THE PARKS AND RECREATION DEPARTMENT AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE DEPARTMENT.

#### S 1301

#### BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PHARMACEUTICALS; AMENDING SECTION 54-1721, IDAHO CODE, TO PROVIDE FOR THE LABELING AND DELIVERY OF CERTAIN PREPACKAGED ITEMS BY LICENSED PRACTICAL OR PROFESSIONAL NURSES WHEN SUCH ITEMS HAVE BEEN PRESCRIBED BY CERTAIN LICENSED PROFESSIONAL HEALTH CARE PROVIDERS AND TO MAKE A TECHNICAL CORRECTION.

[S 1300](#) and [S 1301](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 406](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[S 1268](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1268](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Friday, January 29, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary